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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/622,767

07/18/2003

Daniel Plastina

MS#303015.01 (5052)

8677

321

7590

11/30/2005

SENNIGER POWERS  
ONE METROPOLITAN SQUARE  
16TH FLOOR  
ST LOUIS, MO 63102

EXAMINER

PATEL, MANGLESH M

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/622,767	PLASTINA ET AL.	
	Examiner	Art Unit	
	Manglesh M. Patel	2178	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>July 18, 2003</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is responsive to communications: IDS and application filed on July 18, 2003.
2. Claims 1-50 are pending. Claims 1, 17, 29, 39 and 45 are independent claims.

### ***Drawings***

3. The examiner has accepted the Drawings filed on July 18, 2003.

### ***Claim Objections***

4. Claim 16 & 28 is objected to because the claim is described in a hybrid format and it is unclear since it is viewed as a dependent claim form. This objection would be overcome if for example the words "method of claim 1" was removed from claim 16 and instead the actual limitations of claim 1 are inserted, therefore representing an independent claim.

### ***Claim Rejections - 35 USC § 101***

5. Claim 39 is rejected under 35 U.S.C. 101 because the claim describes a data structure that does not perform steps. Therefore the data structure represents non-functional descriptive material.

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6. Claim 45 is rejected under 35 U.S.C. 101 because the claim describes a filename, a filename is not a method or a tangible element used to perform a method. The filename is non-statutory because it does not perform any steps or processes in addition it is not tangible.

7. Claims 40-44 are rejected because they inherit the deficiencies of Independent claim 39.

8. Claims 46-50 are rejected because they inherit the deficiencies of Independent claim 45.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

10. Claims 1-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Meyer (U.S. 6,829,368, filed Jan 24, 2001).

**Regarding Independent claim 1 & 16,** Meyer discloses *a method of processing a media file, said media file being adapted for rendering by an application program executed by a computing device, said method comprising:*

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- *Determining whether a user-selected image file corresponding to media content contained in the media file is stored in a memory accessible by the computing device executing the application program (column 2, lines 35-55 & column 10, lines 34-48 & column 19, lines 9-12, wherein the media content includes image files that are stored in a computing device);*
- *If not, determining whether a third-party image file accessible by the computing device corresponds to the media content contained in the media file (column 3, lines 1-50, wherein a third-party image file through a link associates the media content in the media file);*
- *And displaying either the user-selected image file or the third-party image file as determined when the application program renders the media file corresponding thereto (column 7, lines 44-67 & column 8, lines 1-20, wherein the third-party media content includes an image file link associated by the identifier to the media file).*

**Regarding Dependent claims 2, 18, 30 & 46,** Meyer discloses *wherein the application program comprises at least one of the following: a media player and an operating system shell (column 6, lines 60-67, wherein the application program includes a media player).*

**Regarding Dependent claim 3,** Meyer discloses *wherein the user-selected image file is stored in at least one of the following: a header of the media file, a shell folder, a registry, and a directory (column 6, lines 55-60, wherein the media content including the image file is stored in a header of the media file).*

**Regarding Dependent claim 4,** Meyer discloses *wherein the third-party image file has a filename associated therewith, and wherein determining whether the third-party image file corresponds to the media content contained in the media file comprises searching for an identifier value in the filename, said identifier value being associated with an identifier and corresponding to the media content (column 2, lines 35-50, wherein the link or third-party media content comprising an image file is associated with the media content through a filename that*

contains an identifier).

**Regarding Dependent claim 5, 24, 34, 40 & 48** Meyer discloses *wherein the identifier comprises WMCollectionID* (column 6, lines 60-67, wherein the identifier includes Windows Media collection ID).

**Regarding Dependent claim 6, 23, 35, 41 & 47** Meyer discloses *wherein the identifier value comprises a globally unique identifier* (column 2, lines 52-67, wherein the identifier value is a unique identifier).

**Regarding Dependent claim 7,** Meyer discloses *identifying a version of the application program, and wherein determining whether the third-party image file corresponds to the media content contained in the media file comprises determining whether the third-party image file corresponds to the media content contained in the media file based on the identified version* (column 8, lines 63-67 & column 9, lines 1-8, wherein the third-party media content comprising an image file is validated with the media file by using version information).

**Regarding Dependent claim 8, 36, 42 & 49** Meyer discloses *wherein the third-party image file comprises a reference to image data* (column 2, lines 35-55, wherein the linking of content includes an image file that references image data or audio visual works).

**Regarding Dependent claim 9, 22, 37, 43 & 50,** Meyer discloses *wherein the reference comprises a hyperlink* (column 18, lines 30-36, wherein the reference includes a hyperlink).

**Regarding Dependent claim 10,** Meyer disclose *the media file with an image represented by either the user-selected image file or the third-party image file as determined* (column 2, lines 35-65, wherein the media file contains the image file and is represented by the third-party via linking media content through metadata and identifier information).

**Regarding Dependent claim 11,** Meyer discloses:

- *Sending an identifier value associated with the media file from the computing device to the metadata provider* (column 2, lines 35-65, wherein the identifier value associated to the media content is sent via linking to a metadata provider);
- *Receiving metadata corresponding to the media content contained in the media file from the metadata provider in response to the sent identifier value, said received metadata including the third-party image file* (column 2, lines 35-65, wherein the received media content from the metadata provider thru linking is in response to the sent identifier and the received media content includes image information);
- *And storing the received third-party image file in a directory with the media file* (column 16, lines 60-67 & column 17, lines 1-10, wherein the content including the image file is in the directory within the media file via content package).

**Regarding Dependent claim 12,** Meyer discloses *wherein the metadata provider comprises at least one of the following: a human operator, a local cache, a media library, and a remote server* (column 2, lines 35-55, wherein the metadata provider via linking comprises a remote server through a computer network).

**Regarding Dependent claim 13,** Meyer discloses *wherein the computing device and the metadata provider are coupled to a data communication network* (column 2, lines

35-55, wherein the user and the provider via linking are established using a communication network consisting of a computer network, digital broadcast or wireless telephone network).

**Regarding Dependent claim 14,** Meyer discloses *wherein storing the received third-party image file comprises storing the received third-party image file with a filename comprising an identifier value corresponding to the media content* (column 2, lines 35-55, wherein the third-party media content comprising image information contains a filename that is associated by an identifier to the media content).

**Regarding Dependent claim 15, 27 38 & 44** Meyer discloses *wherein the media content comprises audio, and wherein the third-party image file comprises album cover art* (column 2, lines 35-51, wherein the media content includes audio and the linking of media content includes image information).

**Regarding Independent claim 17 & 28,** Meyer discloses *a method for processing image files, said method comprising:*

- *Sending, from a computing device to a metadata provider, an identifier value associated with a media file, said media file storing media content to be rendered with an application program executed by the computing device* (column 2, lines 35-51, wherein an identifier value associated to the media content is send to the metadata provider via linking from the computing device over a network, in addition the media content is rendered by the application



program);

- *Receiving metadata corresponding to the media content stored in the media file from the metadata provider in response to the sent identifier value, said received metadata including an image file (column 2, lines 35-51, wherein the received metadata is associated to the media content that includes image information and is described by the identifier value);*
- *And storing the received image file in a directory with the media file, said received image file having a filename, said filename comprising an identifier value corresponding to the media content stored in the media file (column 17, lines 1-10, wherein the received media content is stored in a package therefore it inherently includes a file name and is associated by an identifier).*

**Regarding Dependent claim 19, Meyer discloses:**

- *Receiving the identifier value from the metadata provider (column 3, lines 5-25, wherein the identifier value is associated to the media content via linking to the provider);*
- *And generating the filename with the received identifier value (column 2, lines 50-67, wherein the audio filename is associated with the identifier value).*

**Regarding Dependent claim 20, Meyer discloses:**

- *Generating the identifier value (column 2, lines 35-57, wherein an identifier is generated to associate the linking of audio and other media objects to metadata);*

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- *And creating the filename with the generated identifier value (column 2, lines 50-67, wherein the filename associated to the electronic file is generated with the identifier information pertaining to the audio).*

**Regarding Dependent claim 21,** Meyer discloses *wherein the image file comprises a reference to image data* (column 2, lines 35-50, wherein it is inherent that the image file references image data, otherwise the file would be useless).

**Regarding Dependent claim 25,** Meyer discloses *wherein storing the received image file in the directory with the media file comprises overwriting an existing image file stored in the directory with the received image file* (Although Meyer doesn't explicitly teach overwriting an existing file, it is inherent that the media content received from the provider saved in the media file would display a message to overwrite an existing file if they contained the same file name).

**Regarding Dependent claim 26,** Meyer discloses *wherein the metadata provider comprises at least one of the following: a user, a local computing device, and a third party art provider* (column 3, lines 25-52, wherein the metadata provider includes a local computing device via linking over the computer network).

**Regarding Independent claim 29,** Meyer discloses *one or more computer-readable media having computer-executable components for processing a media file in response to a user selecting media content for rendering with an application*

*program executed by a computing device, said components comprising:*

- A resolution component for determining whether a user-selected image file is stored in a memory accessible by the computing device, said user-selected image file corresponding to media content stored in the media file to be rendered with the application program executed by the computing device, said resolution component further determining whether a third-party image file accessible by the computing device corresponds to the media file if the user-selected image file is not stored in the memory (column 6, lines 34-67, wherein the resolution component establishes a connection with a third-party provider if the extracted songs from a CD have no associated metadata);*
- And a user interface component for displaying either the user-selected image file or the third-party image file as determined by the resolution component when the application program renders the media file corresponding thereto (column 6, lines 60-67 & column 7 lines 1-15, wherein a user options are displayed for selecting the information to view, which include media content comprising image information).*

**Regarding Dependent claim 31,** Meyer discloses *a communications component* for:

- Sending an identifier value associated with the media file from the computing device to a metadata provider (column 2, lines 35-65, wherein the identifier value associated to the media content is sent via linking to a metadata provider);*

- *And receiving metadata corresponding to the media content stored in the media file from the metadata provider in response to the sent identifier value, said received metadata including the third-party image file (column 2, lines 35-65, wherein the received media content from the metadata provider thru linking is in response to the sent identifier and the received media content includes image information).*

**Regarding Dependent claim 32,** Meyer discloses *an authoring component for storing the third-party image file received via the communications component in a directory with the media file, said received third-party image file having a filename, said filename comprising an identifier value corresponding to the media content (column 2, lines 35-67, wherein the third-party media content comprising image information include a filename that is associated by an identifier).*

**Regarding Dependent claim 33,** Meyer discloses *wherein the third-party image file has a filename associated therewith, and wherein the resolution component searches for an identifier value in the filename in determining whether the third-party image file is accessible to the computing device, said identifier value being associated with an identifier and corresponding to the media content (column 11, lines 45-67, wherein the media content pertaining to image information is searched to identify the identifier value associated to the content).*

**Regarding Independent claim 39,** Meyer discloses:

- *A media file storing media content for rendering with an application program executed by the computing device (column 3, lines 1-25, wherein the media file contains media content with an application program);*

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- *And an image file corresponding to the media file, said image file having a filename associated therewith, said filename comprising an identifier value associated with the media content in the media file corresponding thereto (column 2, lines 35-55, wherein the third-party media content comprising image information contains a filename that is associated by an identifier to the media content).*

**Regarding Independent claim 45,** Meyer discloses *a filename for an image file associated with a media file, said media file storing media content, said filename comprising:*

- *An identifier value associated with the media content, wherein an application program executed by a computing device searches a file system for the image file using the identifier value to display the image file while rendering the media content (column 2, lines 35-65, wherein the identifier is stored within the file of the media content, and when rendered it uses the identifier value to display the associated information with metadata for the content).*

**References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.**

### **Other Prior Art Cited**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Meyer et al. (U.S. Pub 2005/0091268) discloses "Systems And Methods Of Managing Audio And other Media"

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- Levy et al. (U.S. Pub 2003/0174861) discloses "Connected Audio And Other Media Objects"
- Shigetomi et al. (U.S. Pub 2002/0055951) discloses "Storage Medium, Information management Method And Information Processing System Using Said Storage Medium"
- Meyer et al. (U.S. Pub 2001/0031066) discloses "Connected Audio And other Media Objects"

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M,F 8:30-6:00 T,TH 8:30-3:00 Wed 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571)272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

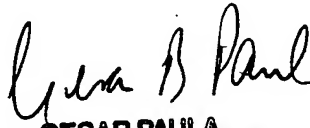
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Manglesh M. Patel

Patent Examiner

November 22, 2005

  
**CESAR PAULA**  
**PRIMARY EXAMINER**